IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 20636 of 2007(F)

PETITIONER:

HAMEED, AGED 66 YEARS,
S/O.MUHAMMAD, MALETH HOUSE, VENGLOLA KARA,
VENGOLA VILLAGE, ALLAPRA P.O.,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.T.K.SAJEEV

RESPONDENTS:

1. VENGOLA GRAMA PANCHAYAT, REPRESENTED BY
IT'S SECRETARY, VENGOLA GRAMA PANCHAYAT OFFICE,
VENGOLA P.O., PARUMBAVOOR, ERNAKULAM DISTRICT,
PIN- 683 554.

2. THE SECRETARY, VENGOLA GRAMA PANCHAYAT,
VENGOLA GRAMA PANCHAYAT OFFICE,
VENGOLA P.O., PERUMBAVOOR,
ERNAKULAM DISTRICT, PIN- 683 554.

3. THE PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-1.

R1 & R2 BY ADV. SRI.SIRAJ KAROLY

R3 BY SR. GOVERNMENT PLEADER (SHRI K. J. MOHAMMED ANZAR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007,ALONG WITH WPC NO. 20653 OF 2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NOS. 20636/07 F & 20653/07 H

Dated this the 17th July, 2007

JUDGMENT

Petitioners challenge proceedings initiated by the respondent Panchayat on the basis that the constructions made are in violation of Section 220 (b) of the Panchayat Raj Act. I heard the learned counsel for the petitioner and the respondent Panchayat. Petitioner relies on a Judgment of this Court in W.P. (C) No.13266/06. Therein, this Court after finding that there is violation of Section 220(b) of the Act, on the basis of the stand taken by the Panchayat, directed the petitioner therein to submit an undertaking before the Panchayat to the effect that in the event of any proposal for widening the PWD road on which the building is situated, he will not raise any obstruction and will facilitate peaceful surrender. Learned counsel for the petitioners and the respondent Panchayat would submit that the same course may be followed in these cases also. In such

circumstances, the Writ Petition is disposed of as follows:

If the petitioners give an undertaking to the respondent Panchayat to the effect that in the event of any proposal for widening the road by the side of which their residences are situated, they will not raise any obstruction and will facilitate peaceful surrender of those portions of the buildings required for road widening, within one week from the date of receipt of a copy of this Judgment, it is ordered that the impugned proceedings against them shall not be enforced.

K. M. JOSEPH, JUDGE

kbk.